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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/240,844	02/01/1999	JEFFREY A. SMITH	1960.103	7867
25920	7590	07/29/2005	EXAMINER	
MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085			VU, KIEU D	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/240,844

Applicant(s)

SMITH ET AL.

Examiner

Kieu D. Vu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. In view of the Appeal Brief filed on 04/12/04, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Objections***

- 2. Claim 27 is objected since it contains a typographical error. A period should be inserted at the end of the claim.
- 3. The phrase "user interface requirements specification" used through out the claims should be changed to --user interface requirement specification--.

### ***Claim Rejections - 35 USC § 101***

- 4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- 5. Claims 9-20 and 35-41 are rejected under 35 U.S.C. 101 because the "system" as claimed is non-statutory since it is not tangibly embodied in a manner so as to be

executable. See *State Street*, 149 F.3d at 1374-75, 47 USPQ2d at 1602 (Fed. Cir. 1998) (MPEP 2106)

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 9-11, 13, 20-25, 27, 34-38, and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Lynch et al ("Lynch", USP 6558431).

Regarding claim 9, Lynch teaches a system for providing a graphical user interface for a component based application program, comprising: a plurality of user interface components (figure 7, user interface elements 711 & 712); a document viewer for displaying a document or modifying the document within a component based application program (see editors 1101 & 1102 in figure 11; or 601 and 602 in figure 6 for displaying and modifying the document), the document viewer having a user interface requirements specification referencing at least one of said plurality of user interface components (see col. 4, lines 52-61); and a renderer (renderer 705) to render a graphical user interface for the component based application program according to said document viewer user interface requirements specification (see col. 4, lines 50-52; col. 5, lines 44-45 & 56-59), when said document viewer is added as a component of the

component based application program, without a need to recompile or reinstall the component based application program (when the editor/viewer is added/displayed as a component of the application program in the inspection mode, there is no need to recompile or reinstall the application program) (see col. 5, lines 50-67; or col. Col. 7, lines 36-61).

Regarding claim 10, Lynch teaches a workflow manager (source formatter 707) for registering user interface components associated with said user interface requirements specification.

Regarding claim 11, Lynch teaches that at least one of said plurality of user interface components is a button (see buttons in WYSIWYG editor and in HTML editor as shown in figures 11 and 6).

Regarding claim 13, Lynch teaches that at least one of said plurality of user interface components is an edit box (see edit box in figure 11 and 6).

Regarding claim 20, Lynch teaches that the language used in the renderer is DHTML (col. 14, lines 20-21).

Regarding claim 21, Lynch teaches a method for providing a graphical user interface for a component based application program, comprising: providing a plurality of user interface components (figure 7, user interface elements 711 & 712); a document viewer for displaying a document or modifying the document within a component based application program (see editors 1101 & 1102 in figure 11; or 601 and 602 in figure 6 for displaying and modifying the document), the document viewer having a user interface requirements specification referencing at least one of said plurality of user interface

components (see col. 4, lines 52-61); and rendering (renderer 705) a graphical user interface for the component based application program according to said document viewer user interface requirements specification (see col. 4, lines 50-52; col. 5, lines 44-45 & 56-59), when said document viewer is added as a component of the component based application program, without a need to recompile or reinstall the component based application program (when the editor/viewer is added/displayed as a component of the application program in the inspection mode, there is no need to recompile or reinstall the application program) (see col. 5, lines 50-67; or col. Col. 7, lines 36-61).

Regarding claim 22, Lynch teaches registering user interface components associated with said user interface requirements specification with a workflow manager (source formatter 707).

Regarding claim 23, Lynch teaches adding a new user interface requirement specification to the component based application program; and registering user interface components associated with said user interface requirements specification with a workflow manager (source formatter 707).

Regarding claim 24, Lynch teaches providing a modified user interface requirement specification and registering user interface components associated with said user interface requirements specification with a workflow manager (source formatter 707).

Regarding claim 25, Lynch teaches that at least one of said plurality of user interface components is a button (see buttons in WYSIWYG editor and in HTML editor as shown in figures 11 and 6).

Regarding claim 27, Lynch teaches that at least one of said plurality of user interface components is an edit box (see edit box in figure 11 and 6).

Regarding claim 34, Lynch teaches that the language used in the renderer is DHTML (col. 14, lines 20-21).

Regarding claim 35, Lynch teaches a system for providing a graphical user interface for a component based application program, comprising: a plurality of user interface components (figure 7, user interface elements 711 & 712); a document viewer for displaying a document or modifying the document within a component based application program (see editors 1101 & 1102 in figure 11; or 601 and 602 in figure 6 for displaying and modifying the document), the document viewer having a user interface requirements specification referencing at least one of said plurality of user interface components (see col. 4, lines 52-61); and a renderer (renderer 705) to render a graphical user interface for the component based application program according to at least one predefined user interface layout and a present context for said component based application program (see col. 5, lines 50-67; or col. Col. 7, lines 36-61); and an application proxy (700) to manage communication between the renderer, document viewer, said at least one user interface component such that graphical user interface is rendered upon a change in said present context (see col. 4, line 40 to col. 5, line 67).

Regarding claims 36-37, Lynch teaches that the language used in the renderer is DHTML (col. 14, lines 20-21).

Regarding claim 38, renderer 705 communicates with edit engines 706, document tree 704, generator 708, and element 712 through 700.

Regarding claim 42, Lynch teaches a method for creating a graphical user interface for a component based application program, comprising: providing a document viewer for displaying or modifying document within a component based application program, the viewer having a user interface requirements specification referencing at least one user interface component (see col. 4, lines 52-61); at least one user interface component (buttons in editor) to be displayed in the GUI in at least one context for said application program (editing webpage); defining a GUI layout that defines a position and arrangement for the user component in said at least one context (see col. 4, line 58-66); instantiating at least one user interface component (button in editor) and associate it with at least one application component (edit engine 706, document tree 704 or formatter 707); determining a present context of the program and rendering the GUI in accordance with said GUI layout defined for the present context (see col. 5, lines 50-67; or col. col. 7, lines 36-61) and rerendering said GUI each time the present context of the application program changes (see col. 5, lines 50-67).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 12 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynch and Rosenberg et al ("Rosenberg", USP 5956484).



Regarding claims 12 and 26, Lynch fails to teach that at least one of said plurality of user interface components is a slider. However, such feature is considered old and well known in the art as evidenced by Rosenberg. Specifically, Rosenberg teaches the use of a slider as a user interface component (col 11, lines 29-32). Thus, it would have been obvious to one skilled in the art at the time the invention was made to apply Rosenberg's teaching of a slider in Lynch's editor/viewer in order to facilitate the control of the desired display portion of the image/object.

10. Claims 15-19, 28-33, and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynch.

Regarding claims 14, 28 and 40, Lynch fails to teach that at least one of said plurality of user interface components is implemented as an ActiveX control. However, examiner take official notice that active X control is considered old and well known in the art to enhance user's interaction with an application such as to provide added functionality such as animation sequence. Thus, it would have been obvious to one skilled in the art at the time the invention was made to implement one of said plurality of user interface components as an ActiveX control in Lynch's system with the motivation being to enhance user's interaction with an application such as to provide added functionality such as animation sequence.

Regarding claims 15, 29 and 41, Lynch fails to teach that at least one of said plurality of user interface components is implemented as a Java applet. However, examiner take official notice that Java applet is considered old and well known in the art to provide added functionality. Thus, it would have been obvious to one skilled in the art

Art Unit: 2173

at the time the invention was made to implement one of said plurality of user interface components as a Java applet in Lynch's system with the motivation being to provide added functionality.

Regarding claims 16, 30 and 39, Lynch fails to teach that at least one of said plurality of user interface components is implemented using Javascript. However, Examiner takes official notice that Javascript is considered old and well known in the art to provide programming capability in webpages. Thus, it would have been obvious to one skilled in the art at the time the invention was made to implement one of said plurality of user interface components as a Javascript in Lynch's system with the motivation being to provide programming capability in webpages.

Regarding claims 17 and 31, Lynch fails to teach that said document viewer is implemented as a COM object. However, Examiner takes official notice that COM (component object model) is considered old and well known in the art to enable software component to communicate in a Microsoft window based environment. Thus, it would have been obvious to one skilled in the art at the time the invention was made to implement one of said plurality of user interface components as a COM object in Lynch's system with the motivation being to be compatible with Microsoft window based environment.

Regarding claims 18 and 32, Lynch fails to teach that said document viewer is implemented as a DCOM object. However, Examiner takes official notice that DCOM (distributed component object model) is considered old and well known in the art to enable software component to communicate in a Microsoft window based environment.

Thus, it would have been obvious to one skilled in the art at the time the invention was made to implement one of said plurality of user interface components as a DCOM object in Lynch's system with the motivation being to be compatible with Microsoft window based environment.

Regarding claims 19 and 33, Lynch fails to teach that said document viewer is implemented as a CORBA object. However, Examiner takes official notice that CORBA (common object request broker architecture) is considered old and well known in the art to create, distribute and managing objects in a network environment. Thus, it would have been obvious to one skilled in the art at the time the invention was made to implement one of said plurality of user interface components as a CORBA object in Lynch's system with the motivation being to create, distribute and managing objects in a network environment.

11. Applicant's arguments filed on 04/12/04 have been considered but are moot in view of the new ground(s) of rejection.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

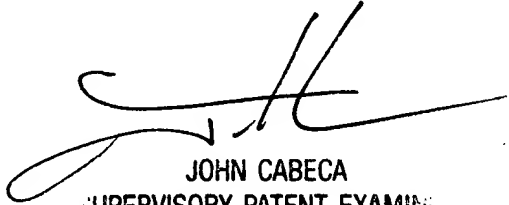
and / or:

Art Unit: 2173

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kieu D. Vu  
Patent Examiner



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